

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Fred L. Nance Jr.,

Plaintiff,

v.

EMAGES, Inc., and
Hattie Wash,

Defendants.

Case No. 1:20-cv-06316

Hon. LaShonda A. Hunt
Magistrate Judge Beth W. Jantz

**DEFENDANTS' SUPPLEMENTAL RESPONSE TO
PLAINTIFF'S MOTION FOR SANCTIONS**

With leave of Court, (Dkt. 146), Defendants, EMAGES, Inc. (“EMAGES”), and Dr. Hattie Wash (“Dr. Wash”) (collectively, “Defendants”), through their undersigned counsel, submit this supplemental response to Plaintiff, Dr. Fred L. Nance, Jr.’s (“Plaintiff”) Motion for Sanctions (“Motion”). (Dkt. 144.) Defendants addressed in their Cross-Motion for Sanctions and Response to Plaintiff’s Motion for Sanctions (“Cross-Motion”) that Plaintiff’s Motion should be denied in its entirety. (*See* Dkt. 145 at 13-14.) Specifically, Plaintiff misrepresents what occurred at his deposition, where *he* prevented a fair examination. (*See id.* at 2-8.) And a cursory review of the email communication attached to Plaintiff’s Motion undermines his conclusory allegations that Defendants’ counsel threatened, harassed, and intimidated him. (*See* Dkt. 144-2.) Defendants will not rehash those issues further. Instead, Defendants wish to bring to the Court’s attention Plaintiff’s conduct after Defendants filed their Cross-Motion.

Since May 30, 2023 through the date of this filing, Plaintiff posted the tweet (reproduced below) on 68 separate occasions, the only difference being the documents, articles, or websites

that are linked to each tweet:¹

clickforjustice @clickforjustice · May 30
drive.google.com/file/d/1MBrT4s...
@TaftLaw #AdamDecker violates and wants the federal court to violate
my 1st Amendment right to Freedom of speech and expression.
#AdamDecker cites my social media posts to get sanctions.
drive.google.com/file/d/13yhLun...
drive.google.com/file/d/1W7cliN...

drive.google.com
2.11.23 Judge Fienerman Resigns After Disgraceful
Acts Against Black Woman.pdf

It is unclear how Plaintiff believes Defendants' counsel—who is not a federal or state government employee—is violating his First Amendment rights. But in any event, Plaintiff's general assertions of First Amendment protections are flawed. The First Amendment does not allow a person to make harassing communications, and the Court's inherent authority to manage proceedings before it provides a basis for admonishing Plaintiff's conduct. *See, e.g., United States v. Parr*, 545 F.3d 491, 496-97 (7th Cir. 2008) (“[T]he First Amendment does not preclude restrictions on certain categories of speech having little or no social value”); *Mohammed v. Anderson*, 833 F. App'x 651, 655 (7th Cir. 2020), *cert. denied*, No. 20-6318 (U.S. Jan. 19, 2021) (the plaintiff’s “contention that his rights under the First Amendment insulate him from litigation sanctions also fails. Speech during legal proceedings may warrant protection, but the First Amendment does not shield a party from sanctions in a civil lawsuit.”).

¹ Plaintiff's Twitter page may also be accessed at <https://twitter.com/clickforjustice>.

On June 1, 2023, Plaintiff also posted the following tweets that described a pre-written statement he read during a status hearing earlier in this case before Judge Alonso:



clickforjustice @clickforjustice · Jun 1

I made this statement at the beginning of this litigation. Your honor, I have an opening statement. With all due respect I want to speak candidly to this court. This court threatened me with sanctions in its last order.

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clickforjustice @clickforjustice · Jun 1

I filed a motion for sanctions against defendant EMAGES lawyer for demanding my laptop computer, which had my work product on it. The EMAGES lawyer threatened me with a lawsuit if I did not give them my laptop computer.

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clickforjustice @clickforjustice · Jun 1

You dismissed my motion without saying anything to the EMAGES lawyers. This action signaled to them they could act with impunity. This court has been prejudiced against me from the beginning of this litigation.

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clickforjustice @clickforjustice · Jun 1

President Obama did not appoint you to the court to treat or threaten a minority like me this way. I'm sure you had a discussion about being fair and impartial. I did nothing wrong except to be black and dare to discuss issues honestly with this court.

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clickforjustice @clickforjustice · Jun 1

I am not afraid to stand up and speak the truth. I am a Whistleblower. I have been a peer reviewer for the Department of Justice since 2009, reviewing over 100 Second Chance Act proposals from all over America.

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clickforjustice @clickforjustice · Jun 1

I have been on Congressman Danny K. Davis' Second Chance Act Advisory Committee since 2007. I wrote and developed some of the initial language for the Second Chance Act bill signed by President Bush on April 10, 2008.

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clickforjustice @clickforjustice · Jun 1

I think I know about how and when to report misappropriation of funds and the appearance of fraud. I speak truth to power. I did not bring this issue before the court to make friends or to take anyone to breakfast lunch or dinner.

1 15 ⬆



clickforjustice
@clickforjustice

I brought this issue before this court with facts seeking justice and nothing else. This is supposed to be a fair and impartial arena. Truth and honesty is rare in this environment. Thank you

2:03 AM · Jun 1, 2023 · 14 Views

1 7 ⬆

Then on Sunday, June 4, 2023, Plaintiff posted two more tweets directed at Defendants' counsel and his law firm. The first accuses counsel of threatening Plaintiff and attempting to use Federal Rule of Evidence 408 to conceal those threats from disclosure:



clickforjustice @clickforjustice · 6h

@TaftLaw Attorney **#AdamDecker** uses Federal Rule of Evidence 408 to threaten plaintiff in Nance vs EMAGES Inc., et al case **#20cv06316**. **#AdamDecker** believes labeling something a "Rule 408 settlement communication" makes it so. Plaintiff will use the "letter" as evidence of threat.

1 7 ⬆

Show this thread

Plaintiff went on to accuse Defendants' counsel of "unprofessionalism, bias, prejudice, privilege, discrimination, and a touch of racism":²



clickforjustice @clickforjustice · 5h
This is the #TaftLawFirm. #AdamDecker is the type of lawyers working at @TaftLaw. If you want unprofessionalism, bias, prejudice, privilege, discrimination, and a touch of racism, this is the law firm for you. @TaftLaw will threaten, intimidate, and will not act in good faith.

Show this thread

Plaintiff's tweets are completely unfounded and not based in reality. But they are representative of how Plaintiff has been conducting himself throughout the entirety of this litigation. Plaintiff has now accused both the Court and Defendants' counsel of racism and prejudice without any basis to do so. Plaintiff's conduct cannot continue. His Motion is frivolous and should be entirely denied.

CONCLUSION

For these reasons and those stated in Defendants' Cross-Motion for Sanctions and Response to Plaintiff's Motion for Sanctions, Defendants respectfully request that the Court deny Plaintiff's Motion in its entirety, and for any other and further relief the Court deems necessary and just.

² Plaintiff posted the exact same tweet again at 8:41 a.m. on June 7, 2023. See <https://twitter.com/clickforjustice/status/1666440146986627074?cxt=HHwWhMCziYGfsaAuAAAA> (last accessed Jun. 7, 2023).

Dated: June 13, 2023

Respectfully submitted,

EMAGES, INC. AND DR. HATTIE WASH

By: /s/ Adam W. Decker
One of their Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 13, 2023, the foregoing **Defendants'** *Supplemental Response to Plaintiff's Motion for Sanctions* was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties listed on the electronic service list:

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/s/ Adam W. Decker